

## **5.0     MULTI-PARTY AGREEMENTS**



DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



DAIM-BD-A-RM-RE

20 January 2004

MEMORANDUM FOR U.S. Environmental Protection Agency, (Mr. Kerry Guy), Region VIII,  
Mail Code 8HWM-FF, 999-18th Street, Suite 300, Denver, Colorado 80202-2405

SUBJECT: Milestone Extension for North Plants Soil Remediation Project Draft Design Scope  
of Work (DDSOW)

1. Currently the DDSOW enforceable milestone date for the North Plants Soil Remediation Project is 22 January 2004 (reference letter dated 9 September 2003). In accordance with Paragraphs 26.8-26.18 and 34.22 of the Federal Facility Agreement, the Remediation Venture Office is requesting an extension of the DDSOW deadline to 9 March 2004. The reason for this extension is to allow the Program Management Contractor adequate time to define the extent of the design process pending presentation of the Data Summary Report for diesel characterization and free product plume.

2. The point of contact on this matter is Mr. James Green at 303-289-0412.

*Bruce M. Huenefeld*  
BRUCE M. HUENEFELD  
RMA Committee Coordinator

CF:

Rocky Mountain Arsenal, (DAIM-BD-A-RM-CL/Major M. Weslyn Erickson),  
Chief Counsel, Commerce City, Colorado 80022-1748)  
Pacific Western Technologies, Ltd, (Mr. James Bush), 605 Parfet Street, Suite 200,  
Lakewood, Colorado 80215  
Shell Oil Company, (Mr. Roger B. Shakely), P.O. Box 538,  
Commerce City, Colorado 80037  
Washington Group, (Mr. Mark Thomson), P.O. Box 1717,  
Commerce City, Colorado 80022  
Holme Roberts and Owens, (Mr. Thomas F. Cope), 1700 Lincoln Street, Suite 4100,  
Denver, Colorado 80203  
U.S. Fish and Wildlife Service, (Mr. Tom Jackson), Rocky Mountain Arsenal,  
Commerce City, Colorado 80022-1748  
Tri-County Department Environmental Health Division, (Mr. Rick Kinshella),  
4201 East 72nd Avenue, Commerce City, Colorado 80222-1488  
Rocky Mountain Arsenal, (Document Tracking Center),  
Commerce City, Colorado 80022-1748





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8EPR-F

JAN 27 2004

Honorable Les Brownlee,  
Acting Secretary of the Army  
Department of the Army  
Office of the Secretary of the Army  
100 Army Pentagon  
Washington, D.C. 20310-0104

Re: Certification of Response Action Completion at  
Selected Areas of the Rocky Mountain Arsenal  
Site

Dear Mr. Secretary:

Pursuant to section 2(b)(2) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992, Public Law 102-402, upon completion of site cleanup by the Army, the Environmental Protection Agency Administrator must certify "to the Secretary of the Army that response action required at the Arsenal and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at the Arsenal have been completed, except operation and maintenance associated with those actions."

The Department of the Army, pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 6920, is cleaning up the Rocky Mountain Arsenal National Priorities List site. The Army has completed cleanup at certain areas of the site. These areas, designated the Selected Perimeter Area and the Surface Deletion Area, have been deleted from the National Priorities List in accordance with 40 CFR 300.425(e) and Notice of Policy Change: Policy Regarding Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466 (Nov. 1, 1995)). Copies of the Notices of Partial Deletion for the Selected Perimeter Area and the Surface Deletion Area of the Rocky Mountain Arsenal National Priorities List site which were published in the Federal Register on January 15, 2004, and were effective on that date are enclosed.

This certification is based on the *Technical Memorandum in Support of Partial Deletion of Selected Perimeter and Surface Deletion Areas* (July 2003), other documents that constitute the record which supported deletion from the National

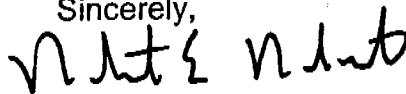


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Priorities List, the *RMA Spill Prevention, Control, and Countermeasures Plan and Stormwater Pollution Prevention Plan* (2003), the *Final Environmental Baseline Survey for the 100-Foot Strips* (2004) and the *Final Environmental Baseline Survey for the Perimeter Area* (2004). Pursuant to authority delegated to me by the Acting Administrator of the Environmental Protection Agency, Marianne Lamont Horinko, on October 23, 2003, I hereby certify that response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) for the areas designated the Selected Perimeter Area and the Surface Deletion Area at the Arsenal have been completed, except operation and maintenance associated with those actions.

This certification pertains only to the Selected Perimeter Area and the Surface Deletion Area; there is no change in the status of the remaining areas at the Rocky Mountain Arsenal National Priorities List site.

Sincerely,



Robert E. Roberts  
Regional Administrator

Enclosure

cc: Ralph Morgenweck, Regional Director  
US Fish and Wildlife Service  
PO Box 25486  
Denver Federal Center  
Denver, CO 80226

✓ Ms. Barbara Nabors, CDPHE  
✓ Mr. Mark Thomson, Shell Oil  
✓ Major Wes Erickson, PMRMA  
✓ Ms. Ginny Brannon, CO AG Office  
✓ Mr. Jim Bush, PWT

✓ Mr. Tom Jackson, USFWS  
Mr. Jack Lipschultz, DOJ  
✓ Mr. Rick Kinshella, TCHD  
Ms. Roberta Ober, RMA

relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing state plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a state plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the *Federal Register*. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This action is not a "major rule" as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 15, 2004. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it

extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

Dated: December 29, 2003.

Jane M. Kenny,

Regional Administrator, Region 2.

[FR Doc. 04-889 Filed 1-14-04; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 62

[Region 2 Docket No. PR11-267w, FRL-7610-4]

#### Approval and Promulgation of State Plans for Designated Facilities; Puerto Rico Removal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Removal of direct final rule.

**SUMMARY:** Due to receipt of an adverse comment, EPA is removing the direct final rule which approved the "State Plan" submitted by the Commonwealth of Puerto Rico to fulfill the requirements of sections 111(d)/129 of the Clean Air Act for Commercial and Industrial Solid Waste Incineration (CISWI) units. The direct final rule was published on October 31, 2003 (68 FR 62019). As stated in the direct final rule, if adverse comments were received by December 1, 2003, a timely withdrawal would be published in the *Federal Register*. EPA subsequently received an adverse comment. EPA will address the comments in a subsequent final action based upon the proposed action also published on October 31, 2003 (68 FR 62040). EPA will not institute a second comment period on this action.

**DATES:** This action is effective January 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Kirk Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-3381 or at [Wieber.Kirk@epa.gov](mailto:Wieber.Kirk@epa.gov).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Acid gases, Carbon monoxide, Commercial and industrial solid waste, Intergovernmental relations, Organics, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 29, 2003.

Jane M. Kenny,

Regional Administrator, Region 2.

■ Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart BBB—Puerto Rico

■ 2. Subpart BBB is amended by removing § 62.13108 and the undesignated center heading.

[FR Doc. 04-892 Filed 1-14-04; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 300

[FRL-7609-8]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

**ACTION:** Notice of partial deletion of the Rocky Mountain Arsenal National Priorities List Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the deletion of the Selected Perimeter Area of the Rocky Mountain Arsenal National Priorities List (RMA/NPL) Site from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), have determined that the Selected Perimeter Area of the RMA/NPL Site poses no significant threat to public health or the environment and, therefore, no further

remedial measures pursuant to CERCLA are appropriate.

This partial deletion pertains to the surface (soil, surface water, sediment), structures, and groundwater media of the Selected Perimeter Area of the On-Post OU of the RMA/NPL Site. The Surface Deletion Area of the On-Post OU RMA/NPL Site, composed of the surface and structures media only within an additional 123 acres, also is being deleted at this time. The rest of the On-Post and Off-Post OUs will remain on the NPL. This partial deletion of the Selected Perimeter Area will not change Appendix B of 40 CFR part 300, which was previously amended in January 2003 (68 FR 2699) to reflect that a partial deletion of 1.5 square miles from the RMA/NPL Site had occurred.

**EFFECTIVE DATE:** January 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laura Williams, Remedial Project Manager (8EPR-F), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6660. Information on the RMA/NPL Site as well as the Deletion Docket and the Responsiveness Summary for this partial deletion are available at EPA's Region 8 Superfund Records Center in Denver, Colorado. Documents are available for viewing by appointment from 8 a.m. to 4 p.m., Monday through Friday excluding holidays by calling (303) 312-6473. The Administrative Record for the RMA/NPL Site, which includes the Deletion Docket and Responsiveness Summary for the partial deletion of the Selected Perimeter and Surface Deletion Areas, is maintained at the Joint Administrative Records Document Facility, Rocky Mountain Arsenal, Building 129, Room 2024, Commerce City, Colorado 80022-1748, (303) 289-0362. Documents are available for viewing from 12 p.m. to 4 p.m., Monday through Friday or by appointment.

**SUPPLEMENTARY INFORMATION:** The Rocky Mountain Arsenal National Priorities List (RMA/NPL) Site is located in southern Adams County, Colorado, approximately eight miles northeast of downtown Denver. The On-Post operable unit (OU) of the RMA/NPL Site addresses the source areas of contamination within the boundaries of RMA proper. The Off-Post OU addresses contamination north and northwest of the RMA proper boundaries. The Selected Perimeter Area consists of 4,930 acres along the perimeter of the On-Post OU in Commerce City, Colorado.

This partial deletion pertains to the surface (soil, surface water, sediment), structures, and groundwater media of

the Selected Perimeter Area of the On-Post OU of the RMA/NPL Site. The Surface Deletion Area of the On-Post OU RMA/NPL Site, composed of the surface and structures media only within an additional 123 acres, also is being deleted at this time. The Off-Post OU and the rest of the On-Post OU will remain on the NPL.

On July 28, 2003, EPA published a Notice of Intent for Partial Deletion (NOIDp) in the *Federal Register* (68 FR 44259) and local newspapers which proposed to delete the Selected Perimeter Area from the RMA/NPL Site. Comments received during the public comment period primarily focused on the application of institutional controls and five-year reviews once the proposed property is deleted, as well as understanding how the boundaries of the Selected Perimeter Area were chosen. EPA also received 17 letters of support for proceeding with the partial deletion and two letters which provided recommendations but did not state a preference regarding the deletion.

In our Responsiveness Summary, EPA explained how institutional controls are currently in place for the entire On-Post OU as required by the 1989 Federal Facilities Agreement, 1992 RMA National Wildlife Refuge Act, and 1996 Record of Decision for the RMA/NPL Site. These documents require the transfer of the 100-foot wide areas along the perimeter of the On-Post OU to State/local governments for road widening "be subject to perpetual restrictions that are attached to any deed to such property." Use restrictions for the remainder of the deleted Selected Perimeter Area will be managed by the U.S. Fish and Wildlife Service as outlined in the Interim RMA Institutional Control Plan, in coordination with the U.S. Army. The effectiveness of the institutional controls will be assessed as part of five-year reviews.

Five-year reviews for the RMA/NPL Site are conducted in accordance with EPA's Comprehensive Five-Year Review Guidance. As the lead agency for the RMA/NPL Site, the Army is responsible for conducting each site-wide, five-year review regardless of land transfer. While the Army cannot transfer this responsibility, they can contract with another agency or third party to conduct the actual five-year review activities. The next year-long, five-year review process, which includes public participation, is expected to begin in late 2004 so it can be completed by the December 2005 schedule.

EPA's responsiveness summary further explained how only areas which met the criteria of "Responsible parties

or other persons have implemented all appropriate response actions required" (40 CFR 300.425(e)(1)(i)) were considered for deletion. Not all property that met the deletion criteria were included in EPA's proposal for deletion. However, the Selected Perimeter Area, in combination with the Surface Deletion Area, will allow the U.S. to effect the 1992 RMA National Wildlife Refuge Act and provide a direct benefit to communities adjacent to RMA by making the 100-foot-strips available for road widening which will ease access to Denver International Airport. The remainder of the Selected Perimeter and Surface Deletion Areas will provide for the establishment of a refuge of significant size encompassing the southern zone and the existing Visitor Center, the areas of highest public use.

The 17 entities who support the partial deletion cited their confidence in the environmental studies and the thoroughness of the cleanup activities conducted by the Army and Shell to meet standards set by EPA, the State of Colorado, and the Tri-County Health Department. EPA agrees that completion of the remedy requirements as well as recent site-wide studies adequately demonstrate that the Selected Perimeter Area does not present a threat to the environment or human health and it is appropriate to delete the Selected Perimeter Area from the RMA/NPL Site.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

#### Lists of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: January 5, 2004.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 04-834 Filed 1-14-04; 8:45 am]

BILLING CODE 6560-50-P

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 300

[FRL-7609-9]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of partial deletion of the Rocky Mountain Arsenal National Priorities List Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the deletion of the Surface Deletion Area of the Rocky Mountain Arsenal National Priorities List (RMA/NPL) Site from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), have determined that the Surface Deletion Area of the RMA/NPL Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

This partial deletion pertains to the surface (soil, surface water, sediment) and structures media only and excludes the groundwater media of the Surface Deletion Area of the On-Post OU of the RMA/NPL Site. The Selected Perimeter Area of the On-Post OU RMA/NPL Site, composed of the surface, structures, and groundwater media within an additional 4,930 acres, also is being deleted at this time. The rest of the On-Post and Off-Post OUs will remain on the NPL. This partial deletion of the Surface Deletion Area will not change Appendix B of 40 CFR part 300, which was previously amended in January 2003 (68 FR 2699) to reflect that a partial deletion of 1.5 square miles from the RMA/NPL Site had occurred.

**EFFECTIVE DATE:** January 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laura Williams, Remedial Project Manager (8EPR-F), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202-2466, (303) 312-6660. Information on the RMA/NPL Site as well as the Deletion Docket and the Responsiveness Summary for this

partial deletion are available at EPA's Region 8 Superfund Records Center in Denver, Colorado. Documents are available for viewing by appointment from 8 a.m. to 4 p.m., Monday through Friday excluding holidays by calling (303) 312-6473. The Administrative Record for the RMA/NPL Site, which includes the Deletion Docket and Responsiveness Summary for the partial deletion of the Surface Deletion and Selected Perimeter Areas, is maintained at the Joint Administrative Records Document Facility, Rocky Mountain Arsenal, Building 129, Room 2024, Commerce City, Colorado 80022-1748, (303) 289-0362. Documents are available for viewing from 12 p.m. to 4 p.m., Monday through Friday or by appointment.

**SUPPLEMENTARY INFORMATION:** The Rocky Mountain Arsenal National Priorities List (RMA/NPL) Site is located in southern Adams County, Colorado, approximately eight miles northeast of downtown Denver. The On-Post operable unit (OU) of the RMA/NPL Site addresses the source areas of contamination within the boundaries of RMA proper. The Off-Post OU addresses contamination north and northwest of the RMA proper boundaries. The Surface Deletion Area consists of 123 acres on the northern and southern perimeter of the On-Post OU in Commerce City, Colorado.

This partial deletion pertains to the surface (soil, surface water, sediment) and structures media only and excludes the groundwater media of the Surface Deletion Area of the On-Post OU of the RMA/NPL Site. The Selected Perimeter Area of the On-Post OU RMA/NPL Site, composed of the surface, structures, and groundwater media within an additional 4,930 acres, also is being deleted at this time. The rest of the On-Post and Off-Post OUs will remain on the NPL.

On July 28, 2003, EPA published a Notice of Intent for Partial Deletion (NOIDp) in the *Federal Register* (68 FR 44265) and local newspapers which proposed to delete the Surface Deletion Area from the RMA/NPL Site. Comments received during the public comment period primarily focused on the application of institutional controls and five-year reviews once the proposed property is deleted, as well as understanding how the boundaries of the Surface Deletion Area were chosen. EPA also received 17 letters of support for proceeding with the partial deletion and two letters which provided recommendations but did not state a preference regarding the deletion.

In our Responsiveness Summary, EPA explained how institutional controls are

currently in place for the entire On-Post OU as required by the 1989 Federal Facilities Agreement, 1992 RMA National Wildlife Refuge Act, and 1996 Record of Decision for the RMA/NPL Site. These documents require the transfer of the 100-foot wide areas along the perimeter of the On-Post OU to State/local governments for road widening "be subject to perpetual restrictions that are attached to any deed to such property." Use restrictions for the remainder of the deleted Surface Deletion Area will be managed by the U.S. Fish and Wildlife Service as outlined in the Interim RMA Institutional Control Plan, in coordination with the U.S. Army. The effectiveness of the institutional controls will be assessed as part of five-year reviews.

Five-year reviews for the RMA/NPL Site are conducted in accordance with EPA's Comprehensive Five-Year Review Guidance. As the lead agency for the RMA/NPL Site, the Army is responsible for conducting each site-wide, five-year review regardless of land transfer. While the Army cannot transfer this responsibility, they can contract with another agency or third party to conduct the actual five-year review activities. The next year-long, five-year review process, which includes public participation, is expected to begin in late 2004 so it can be completed by the December 2005 schedule.

EPA's responsiveness summary further explained how only areas which met the criteria of "Responsible parties or other persons have implemented all appropriate response actions required" (40 CFR 300.425(e)(1)(i)) were considered for deletion. Not all property that met the deletion criteria were included in EPA's proposal for deletion. However, the Surface Deletion Area, in combination with the Surface Deletion Area, will allow the U.S. to effect the 1992 RMA National Wildlife Refuge Act and provide a direct benefit to communities adjacent to RMA by making the 100-foot-strips available for road widening which will ease access to Denver International Airport. The remainder of the Selected Perimeter and Surface Deletion Areas will provide for the establishment of a refuge of significant size encompassing the southern zone and the existing Visitor Center, the areas of highest public use.

The 17 entities who support the partial deletion cited their confidence in the environmental studies and the thoroughness of the cleanup activities conducted by the Army and Shell to meet standards set by EPA, the State of Colorado, and the Tri-County Health Department. EPA agrees that completion



of the remedy requirements as well as recent site-wide studies adequately demonstrate that the Surface Deletion Area does not present a threat to the environment or human health and it is appropriate to delete the Surface Deletion Area from the RMA/NPL Site.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

#### **Lists of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: January 5, 2004.

Robert E. Roberts,  
Regional Administrator, Region 8.  
[FR Doc. 04-835 Filed 1-1-04; 8:45 am]  
BILLING CODE 6560-50-P

## **DEPARTMENT OF TRANSPORTATION**

### **Research and Special Programs Administration**

#### **49 CFR Part 192**

[Docket No. RSPA-00-7666; Amendment 192-95]

RIN 2137-AD54

#### **Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipelines)**

AGENCY: Office of Pipeline Safety (OPS), Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correction.

**SUMMARY:** This document corrects the effective date of a final rule published

in the *Federal Register* on December 15, 2003 (68 FR 69778). That rule requires operators to develop integrity management programs for gas transmission pipelines located where a leak or rupture could do the most harm, *i.e.*, could impact high consequence areas (HCAs). The rule requires gas transmission pipeline operators to perform ongoing assessments of pipeline integrity, to improve data collection, integration and analysis, to repair and remediate the pipeline as necessary, and to implement preventive and mitigative actions. The published effective date was in error. This document corrects the effective date from January 14, 2004, to February 14, 2004, to meet the 60 day requirement for Congressional review of major rules. (5 U.S.C. 801(a)(4).)

**EFFECTIVE DATE:** The effective date for the final rule published on December 15, 2003, at 68 FR 69778 is corrected to read February 14, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni by phone at (202) 366-4571, by fax at (202) 366-4566, or by e-mail at [mike.israni@rspa.dot.gov](mailto:mike.israni@rspa.dot.gov), regarding the subject matter of the final rule.

Issued in Washington, DC, on December 22, 2003.

Samuel G. Bonasso,  
Deputy Administrator.  
[FR Doc. 04-275 Filed 1-14-04; 8:45 am]  
BILLING CODE 4910-60-P

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 030227050-3082-02; I.D. 010904C]

#### **Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Reopening of Commercial Fishery**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Commercial fishery reopening.

**SUMMARY:** NMFS announces that spiny dogfish commercial fishery will reopen.

Vessels issued a Federal moratorium permit to harvest spiny dogfish may possess up to 300 lb (136 kg) of spiny dogfish per trip per calendar day on 0001 hours local time, January 12, 2004, through 2359 hours local time, April 30, 2004. The intent of this action is to allow for the full utilization of the commercial quota allocated to the spiny dogfish fishery.

**DATES:** Effective 0001 hours local time, January 12, 2004, through 2359 hours local time, April 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail [paul.h.jones@noaa.gov](mailto:paul.h.jones@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 648.231 of part 50 CFR requires NMFS to close the commercial fishery for spiny dogfish in the EEZ for each semi-annual quota period when the quota is determined to be harvested. The Administrator, Northeast Region, NMFS, based on dealer reports, state data, and other available information, determined that the quota for Quota Period 2 would be harvested (68 FR 41945, July 16, 2003), therefore, effective 0001 hours, July 18, 2003, the commercial fishery for spiny dogfish in the EEZ was closed. However, new projections indicate the quota of spiny dogfish may not be attained. Therefore, NMFS announces that the commercial fishery for spiny dogfish in the EEZ will reopen. Vessels issued a Federal moratorium permit to harvest spiny dogfish may possess up to 300 lb (136 kg) of spiny dogfish per trip per calendar day effective 0001 hours local time, January 12, 2004, through 2359 hours local time, April 30, 2004.

#### **Classification**

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 12, 2003.

Bruce C. Morehead,  
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04-900 Filed 1-12-04; 2:38 pm]

BILLING CODE 3510-22-S





DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



DAIM-BD-A-RM-RE

3 February 2004

MEMORANDUM FOR U.S. Environmental Protection Agency, (Mr. Kerry Guy), Region VIII.  
Mail Code 8HWM-FF, 999-18th Street, Suite 300, Denver, Colorado 80202-2405

SUBJECT: Milestone Suspension for Section 36 Lime Basins Soil Remediation Project

1. In a letter to the Regulatory Agencies dated 4 November 2003, the Remediation Venture Office (RVO) notified the Regulatory Agencies of their intent to suspend the design process for the Section 36 Lime Basins Soil Remediation Project. The reason for this action, as outlined in the letter referenced above, is the Army's intent, as lead agency, to initiate a new feasibility analysis in accordance with Directive 9355.3-01 from the Office of Solid Waste and Emergency Response.
2. Currently the Draft Final Design (95 Percent) enforceable milestone date for the Section 36 Lime Basins Soil Remediation Project is 12 February 2004 (reference letter dated 31 July 2003). In accordance with Paragraphs 26.8-26.18 and 34.22 of the Federal Facility Agreement, the RVO is requesting the temporary suspension of this milestone. The RVO will re-establish a new enforceable date at the completion of the feasibility analysis, and determination of the final implementation process.
3. The point of contact on this matter is Ms. Lorri Harper at 303-289-0411.

*Bruce M. Huenefeld*  
BRUCE M. HUENEFELD  
RMA Committee Coordinator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466



REF: 8EPR-F

February 12, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Suspension of the 95 Percent Design Milestone  
for the Lime Basins Project at the Rocky  
Mountain Arsenal (RMA)

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed its evaluation of the Remediation Venture Office's (RVO) request for a temporary suspension of the 95 percent Design milestone for the Section 36 Lime Basins Project that is due on February 12, 2004. Based upon the information provided by the RVO at the Lime Basins design team meeting on September 23, 2003, and the October 9, 2003, Committee meeting, EPA does not agree with the RVO's conclusion that new site information requires the development of a new Feasibility Study (FS) for this project. As a result, EPA does not concur that submittal of the 95 percent Design for the Section 36 Lime Basins project (an enforceable milestone as designated in Paragraph 34.15 of the Federal Facilities Agreement) should be temporarily suspended for an undefined period of time.

However, EPA has not formally responded to the RVO's November 2003 letter notifying the Regulatory Agencies that "effective upon submittal of the 60 Percent Design document on 4 November 2003, the design process will be suspended until the FS can be performed." EPA therefore believes that it is appropriate to provide the RVO a day-for-day extension (102 calendar days from November 4, 2003 to today) for the milestone until June 17, 2004.

As recorded in the October and November 2003 Committee meeting notes and correspondence, EPA has voiced skepticism about the significance and extent of 'new information' upon which the RVO bases its conclusion to conduct a new FS. This new information consists of greater than expected odors from a portion of the Lime Basins area (estimated maximum of 0.65 acres), increased health and safety concerns due to instability of the waste and surrounding soils while excavating, and increased volume (approximately three times) resulting from a doubling of the volume to be excavated and mixing the waste with dry soils to reduce higher than expected water content. As a result of these combined changes, the RVO estimates that the overall project cost has increased significantly.

Odors: EPA agrees that the results from the odor flux study indicate that additional measures must be taken during excavation, transport and placement in the landfill to ensure that unacceptable



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odor levels are not released to the adjacent communities. However, while somewhat higher in value than the measured Basin F Wastepile odors, the Lime Basins excavation with high odor potential is significantly less in area (0.65 acres versus 13.5 acres). In addition, the Basin F Wastepile project is approximately one mile from the nearest community, and the RVO has designed an approach which is expected to control odors to acceptable levels at the fence line. Implementation of similar controls at the Lime Basins project should produce similar or better control of odors as Lime Basins is located even further from the nearest community (two miles). The 1995 Detailed Analysis of Alternatives (DAA) identified the short-term risks for the selected remedy alternative as "significant" and mentioned several times the need to control odor emissions using engineering controls.

Therefore, the new odor flux data does not support the RVO's conclusion that the Lime Basins remedy needs to be changed, as the expectation for high odors remains the same as when the remedy was selected. Due to the additional distance of the Lime Basins from the fence line, EPA believes that odor emissions can be controlled adequately through the use of similar measures designed for the Basin F Wastepile project.

Stability: The 1995 DAA described the selected remedy alternative as requiring two years of dewatering to lower the groundwater table prior to excavation of the waste. Presumably, two years of dewatering the Lime Basins area would increase the stability of the waste and surrounding soils as the water content of the material would decrease dramatically. The reintroduction of this design component (dewatering prior to excavation) should be considered.

Volume Increase: At the November Committee meeting, the RVO stated that the volume to be excavated from the Lime Basins has increased from 54,000 cubic yards to approximately 100,000 cubic yards. It is unclear how this increase has resulted from the design efforts as no new soil sampling has been conducted since the 1996 Record of Decision (ROD) that would support delineation of new excavation boundaries. The Lime Basins area was minimally characterized during the Remedial Investigation as it was an area known to present substantial health risks and a 1.5-foot-thick soil cap had been placed over the site as part of an Interim Response Action.

An additional 60,000 cubic yards of soil surrounding the Lime Basins will be placed in the landfill as it is to be mixed with the waste to reduce the higher than expected water content. It would seem that this problem is self-imposed as the DAA required two years of dewatering to lower the groundwater table. By not dewatering prior to excavation as part of the current design, the RVO has contributed to both the stability and volume issues.

It is also unclear why the water content and groundwater table should be higher than previously measured or expected. It is commonly known that the Denver Front Range area has been experiencing drought conditions for several years and should represent as optimal a time for excavating the Lime Basins material as possible. In addition, the Lime Basins material has been covered with a 1.5-foot-thick soil which was intended to decrease migration of contaminants to the groundwater by shedding surface water away from the waste.



Costs: As a result of the increased volume and handling considerations, the RVO has stated that the overall construction cost has also increased significantly, potentially requiring a ROD amendment. EPA's guidance (OSWER 9200.1-23P) indicates that a change in cost ranging from +50 percent to -30 percent is considered to be significant and potentially indicative that a ROD change is warranted. However, this guideline is based upon the expectation that the cost estimate developed within the FS (or DAA for this project) is accurate to within +50/-30 percent as recommended by OSWER directive 9355.3-01. The DAA mentions several times in the Executive Summary that, "it is not unreasonable to expect a potential cost growth of several hundred percent for complex excavation and treatment alternatives involving vapor enclosures, air emission issues, ..." Also, that "the greatest overall cost uncertainty is associated with the soil medium group, and the uncertainty is higher for alternatives that include excavation (which leads to volume uncertainty) and treatment (which incorporates scope, technology application, waste characterization and regulatory uncertainties) ..."

For the selected remedy alternative, the DAA states, "there is a large degree of uncertainty regarding the performance of vapor/odor controls and their impact on excavation costs and productivity." For costs to increase several hundred percent for this relatively low-budget project was not unreasonable based upon the limited amount of sampling data and recognized complexity of the project.

Based upon each of the items discussed above, EPA does not agree that a ROD amendment is potentially warranted or that a new FS should be conducted. No new information has been provided to convince EPA that the Landfill and Cap Cover Alternative selected in the ROD does not provide the highest level of protection for Human Health and the Environment within the cost constraints identified by the DAA. EPA believes the proposed 60% design, as presented at the December 4, 2004, Restoration Advisory Board meeting, is implementable as it is revised into the 95 percent design.

If the Army, as lead agency, feels that it must proceed with the conduct of a new FS, the cost in dollars, resources, and potential schedule conflicts are incurred at your own risk. Without the development of new data, such as a comprehensive soil sampling program, to substantiate the RVO's statements of volume increases, unexpected water content, and eliminating the dewatering component of the remedy, it is unlikely that EPA will be persuaded by any conclusions developed in the new FS.

As a result, EPA does not believe that our continued participation will add value to the new FS development process without new data to consider. Therefore, EPA strongly encourages you to consider the conduct of a well-planned, sampling program as part of the FS process. Without the addition of a data collection program, EPA will not participate in the development of a new FS for the Lime Basins project. If you have any questions or need any further information, please contact Mr. Greg Hargreaves at the above address or telephone 303-312-6661.

Sincerely,  
  
Kerry Guy  
EPA Committee Representative



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DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



DAIM-BD-A-RM-RE

5 March 2004

MEMORANDUM FOR U.S. Environmental Protection Agency, (Mr. Kerry Guy), Region VIII,  
Mail Code 8HWM-FF, 999-18th Street, Suite 300, Denver, Colorado 80202-2405

SUBJECT: Milestone Extension for the North Plants Soil Remediation Project

1. Currently the Draft Design Scope of Work (DDSOW) enforceable milestone date for the North Plants Soil Remediation Project is 9 March 2004, (reference letter dated 20 January 2004). In accordance with Paragraphs 26.8-26.18 and 34.22 of the Federal Facility Agreement, the Remediation Venture Office (RVO) is requesting an extension of the DDSOW deadline to 20 September 2004. The reason for this extension is to allow adequate time to complete the Explanation of Significant Differences (ESD) eliminating the need for a soil cover; disposition of the ESD will determine the extent of the design process for this Implementation Project. Requirements resulting from a path forward decision regarding the Data Summary Report for diesel characterization and free product plume will be addressed separately from the North Plants Soil Remediation Design.

2. The point of contact on this matter is Mr. James Green at 303-289-0412.

*Bruce M. Huenefeld*  
BRUCE M. HUENEFELD  
RMA Committee Coordinator

CF:

Rocky Mountain Arsenal, (DAIM-BD-A-RM-CL/Major M. Weslyn Erickson),  
Chief Counsel, Commerce City, Colorado 80022-1748)  
Pacific Western Technologies, Ltd, (Mr. James Bush), 605 Parfet Street, Suite 200,  
Lakewood, Colorado 80215  
Shell Oil Company, (Mr. Roger B. Shakely), P.O. Box 538,  
Commerce City, Colorado 80037  
Washington Group, (Mr. Mark Thomson), P.O. Box 1717,  
Commerce City, Colorado 80022  
Holme Roberts and Owens, (Mr. Thomas F. Cope), 1700 Lincoln Street, Suite 4100,  
Denver, Colorado 80203  
U.S. Fish and Wildlife Service, (Mr. Tom Jackson), Rocky Mountain Arsenal,  
Commerce City, Colorado 80022-1748









DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



May 25, 2004

Remedy Execution

Ms. Barbara Nabors  
Colorado Department of Public  
Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Dear Ms. Nabors:

Enclosed for your information is a copy of the Resolution Agreement 95 Percent Design Deadline for the Lime Basins Project at the Rocky Mountain Arsenal.

Copies of this letter were forwarded to:

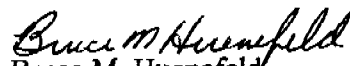
- a. Major M. Weslyn Erickson, Chief Counsel, Rocky Mountain Arsenal (DAIM-BD-A-RM-CL), Commerce City, Colorado 80022-1748 (w/encl).
- b. Ms. Ginny Brannon, Attorney General's Office, CERCLA Litigation Unit, 1525 Sherman Street, 5th Floor, Denver, Colorado 80203 (w/encl).
- c. Mr. Mike Malusis, Sentinel Consulting Services, LLC, 14 Inverness Drive East, Suite G228, Englewood, Colorado 80112 (w/encl 2 copies).
- d. Mr. Roger B. Shakely, Shell Oil Company, P.O. Box 538, Commerce City, Colorado 80037 (w/encl).
- e. Mr. Mark Thomson, Washington Group, P.O. Box 1717, Commerce City, Colorado 80022 (w/encl).
- f. Mr. Daniel J. Dunn, Holme Roberts and Owens, 1700 Lincoln Street, Suite 4100, Denver, Colorado 80203 (w/encl).
- g. Mr. Tom Jackson, U.S. Fish and Wildlife Service, Rocky Mountain Arsenal, Commerce City, Colorado 80022-1748 (w/encl).
- h. Mr. Rick Kinshella, Tri-County Department Environmental Health Division, 4201 East 72nd Avenue, Commerce City, Colorado 80222-1488 (w/encl).

-2-

i. Rocky Mountain Arsenal, (Document Tracking Center),  
Commerce City, Colorado 80022-1748 (w/encl).

Please contact the undersigned at 303-289-0240 if you have any questions about the enclosed agreement.

Sincerely,

  
Bruce M. Huenefeld  
RMA Committee Coordinator

Enclosure

**Resolution Agreement  
95% Design Deadline for the Lime Basins Project  
at the Rocky Mountain Arsenal (RMA)**

**PURPOSE:**

To resolve dispute and obtain concurrence among the U.S. Environmental Protection Agency, the Colorado Department of Public Health and Environment, and the RMA Remediation Venture Office (RVO) (collectively the Parties) regarding the 95% Deadline for the Lime Basins Project.

**DISCUSSION:**

The Parties are committed to progressing toward final design and successful implementation of the Lime Basins Project at RMA.

**AGREEMENT:**

The Parties agree to the following provisions regarding the design of the Lime Basins Project:

1. The 60% Design Package will be reissued to address comments related to where and how "soft" Lime Basins material will be combined with other soils to achieve acceptable stability for placement in the Enhanced Landfill. The 60% Design Package will be issued on October 28, 2004.
2. The Enforceable Deadline for the 95% Design Package will be March 31, 2005.
3. Any modification to this resolution must be formally agreed to by all Parties and similarly documented.

**CONCURRENCE FOR RESOLUTION AGREEMENT**

	<u>Bruce M. Huenefeld</u> Bruce M. Huenefeld U.S. Army	<u>22 April 2004</u> Date	<u>Concur</u> / Nonconcur
For	<u>Kerry Guy</u> Kerry Guy U.S. Environmental Protection Agency	<u>5/13/04</u> Date	<u>Concur</u> / Nonconcur
	<u>Barbara Nabors</u> Barbara Nabors Colorado Department of Public Health and Environment	<u>5/14/04</u> Date	<u>Concur</u> / Nonconcur
	<u>Tom Jackson</u> Tom Jackson U.S. Fish and Wildlife Service	<u>4/22/04</u> Date	<u>Concur</u> / Nonconcur
	<u>Mark Thomson</u> Mark Thomson Shell Oil Company	<u>4/22/04</u> Date	<u>Concur</u> / Nonconcur





DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



May 25, 2004

Remedy Execution

Ms. Barbara Nabors  
Colorado Department of Public  
Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Dear Ms. Nabors:

Enclosed for your information is a copy of the signed Rocky Mountain Arsenal Decision Document for the moisture sensor resolution agreement (DD-BFEX-01).

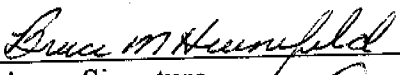

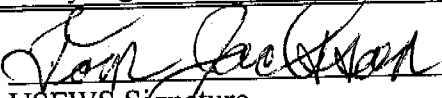
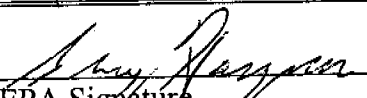
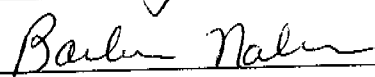
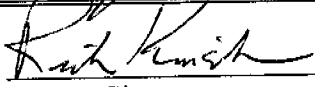
Copies of this letter were forwarded to:

- a. Major M. Weslyn Erickson, Chief Counsel, Rocky Mountain Arsenal (DAIM-BD-A-RM-CL), Commerce City, Colorado 80022-1748 (w/encl).
- b. Ms. Ginny Brannon, Attorney General's Office, CERCLA Litigation Unit, 1525 Sherman Street, 5th Floor, Denver, Colorado 80203 (w/encl).
- c. Mr. Mike Malusis, Sentinel Consulting Services, LLC, 14 Inverness Drive East, Suite G228, Englewood, Colorado 80112 (w/encl 2 copies).
- d. Mr. Roger B. Shakely, Shell Oil Company, P.O. Box 538, Commerce City, Colorado 80037 (w/encl).
- e. Mr. Mark Thomson, Washington Group, P.O. Box 1717, Commerce City, Colorado 80022 (w/o encl).
- f. Mr. Daniel J. Dunn, Holme Roberts and Owens, 1700 Lincoln Street, Suite 4100, Denver, Colorado 80203 (w/encl).
- g. Mr. Tom Jackson, U.S. Fish and Wildlife Service, Rocky Mountain Arsenal, Commerce City, Colorado 80022-1748 (w/encl).
- h. Mr. Rick Kinshella, Tri-County Department Environmental Health Division, 4201 East 72nd Avenue, Commerce City, Colorado 80222-1488 (w/encl).

# Rocky Mountain Arsenal

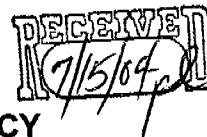
## Decision Document

DD-BFEX-01

<b>Date Prepared:</b> April 27, 2004		<b>Prepared by:</b> Bruce M. Huenefeld	
<b>Decision Subject:</b> Open Items in the Resolution Agreement Use of Moisture Sensors on Full-Scale RCRA Equivalent Covers at the Rocky Mountain Arsenal			
<b>Decision Team:</b>			
Working Group <input type="checkbox"/> Committee <input checked="" type="checkbox"/> Council <input type="checkbox"/> Steering and Policy Committee <input type="checkbox"/>			
<b>Decision Background (include any affected or reference documentation):</b>			
Between April 1, 2004 and April 8, 2004 the RMA Committee reached resolution on the use of moisture sensors on full-scale RCRA equivalent covers at the Rocky Mountain Arsenal. The RMA Committee identified four specific decision items within the resolution agreement that will be determined in the future. The implementation of the resolution agreement is supported by this decision document.			
<b>Decision:</b>			
Item 1. For each of the three lysimeters on the cover, two out of five moisture sensor nests will be located off the lysimeter. The exact location of these moisture sensors nests will be selected to ensure that they are adequately placed outside boundary effects of the lysimeter. Item 2. The three lysimeters to be placed on the first cover will include different aspects of the cover, i.e. north or south slope, top middle or toe of a slope. The exact placement of the three lysimeters on the first cover will be determined in the design. Item 3. Reporting and calibration requirements and the type of moisture sensors and data collection systems have not been determined. The specific sensors, requirements and data systems to be installed on the first cover will be determined in the design. Item 4. It is desired by the Parties that natural precipitation events, or the irrigation used to establish vegetation, lead to the formation and measurement of a Capillary Barrier. If the formation of a Capillary Barrier has not occurred by the end of the third year, the Parties will develop an irrigation plan that will be implemented before the fourth Spring. This irrigation plan will also have a goal of minimizing potential changes to the cover system that would make it less representative of the other RMA cover systems.			
<b>Decision Implementation Date (Estimated):</b>			
<b>Decision Approval (If organizations are different than shown, revise or indicate N/A as needed):</b>			
 Army Signature		 Shell Signature	
13 May 2004 Date		5/13/04 Date	
 USFWS Signature		 EPA Signature	
5/13/04 Date		5/13/04 Date	
 CDPHE Signature		 TCHD Signature	
5/13/04 Date		5/13/04 Date	
<b>Distribution (Include all affected parties):</b>			
RMA Records <input checked="" type="checkbox"/>	RVO Engineer <input checked="" type="checkbox"/>	RVO QA <input checked="" type="checkbox"/>	
RVO Health & Safety <input type="checkbox"/>	Approvers <input checked="" type="checkbox"/>	PMC <input checked="" type="checkbox"/>	
Others ( ) <input type="checkbox"/>	RVO Air Group <input type="checkbox"/>	RVO Construction <input type="checkbox"/>	
RVO Water Team <input type="checkbox"/>	RVO Env. Compliance <input checked="" type="checkbox"/>	Army Legal Consul <input type="checkbox"/>	







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-F

July 15, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Munitions (Testing) Soil Remediation Project  
Part 1 Construction Completion Report; Rocky  
Mountain Arsenal

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for Munitions (Testing) Soil Remediation Project Part 1 submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scope of Work and Final Design Package, as modified, including the status of revegetation efforts which is monitored as part of the annual *Vegetation Management Plan*;
- Completion of the Project remedy in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of a final inspection by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the Munitions (Testing) Soil Remediation Project Part 1 as complete.

Sincerely,

Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



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# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

July 1, 2004

Mr. Terry Anderson  
Director Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, Munitions (Testing) Soil Remediation Project Part I CCR

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, Munitions (Testing) Soil Remediation Project Part I. This report was evaluated for compliance with the objectives described in the Record of Decision, as amended by the Remediation Design and Implementation Schedule, and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

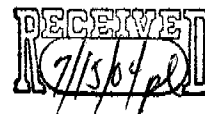
Sincerely,

Gary W. Baughman  
Director  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment

cc: Bruce Huenefeld, RMA  
Mark Thomson, Shell  
Tom Jackson, USF&WS  
Wes Erickson, RMA  
RMA File 7.6-9

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Ginny Brannon, AGO  
Barbara Nabors, HMWMD





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8EPR-F

July 15, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Secondary Basins Soil Remediation Project  
Construction Completion Report; Rocky  
Mountain Arsenal

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for Secondary Basins Soil Remediation Project submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scope of Work and Final Design Package, as modified, including the status of revegetation efforts which is monitored as part of the annual *Vegetation Management Plan*;
- Completion of the Project remedy in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of a final inspection by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the Secondary Basins Soil Remediation Project as complete.

Sincerely,

Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



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RECEIVED  
7/5/04  
STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado

Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

July 1, 2004

Mr. Terry Anderson  
Director Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, Secondary Basins Soil Remediation Project

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, Secondary Basins Soil Remediation Project. This report was evaluated for compliance with the objectives described in the Record of Decision, as amended by the Remediation Design and Implementation Schedule, and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

Sincerely,

Gary W. Baughman  
Director  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment

cc: Bruce Huenefeld, RMA  
Mark Thomson, Shell  
Tom Jackson, USF&WS  
Wes Erickson, RMA  
RMA File 7.6-19

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Ginny Brannon, AGO  
Barbara Nabors, HMWMD





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
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Ref: 8EPR-F

July 15, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Section 35 Soil Remediation Project,  
Construction Completion Report; Rocky  
Mountain Arsenal

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for the Section 35 Soil Remediation Project submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scope of Work and Final Design Package, as modified, including the status of revegetation efforts which is monitored as part of the annual *Vegetation Management Plan*;
- Completion of the Project remedy in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of a final inspection by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the Section 35 Soil Remediation Project as complete.

Sincerely,

Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



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# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

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Laboratory Services Division  
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Denver, Colorado 80230-6928  
(303) 692-3090



Colorado Department  
of Public Health  
and Environment

July 1, 2004

Mr. Terry Anderson  
Director Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, Section 35 Soil Remediation Project

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, Section 35 Soil Remediation Project. This report was evaluated for compliance with the objectives described in the Record of Decision, as amended by the Remediation Design and Implementation Schedule, and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

Sincerely,

Gary W. Baughman  
Director  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment

cc: Bruce Huenefeld, RMA  
Mark Thomson, Shell  
Tom Jackson, USF&WS  
Wes Erickson, RMA  
RMA File 7.6-23

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Ginny Brannon, AGO  
Barbara Nabors, HMWMD







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-F

July 15, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Section 36 Existing (Sanitary) Landfills  
Remediation Project, Construction Completion  
Report; Rocky Mountain Arsenal

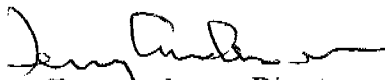
Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for the Section 36 Existing (Sanitary) Landfills Remediation Project submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scope of Work and Final Design Package, as modified, including the status of revegetation efforts which is monitored as part of the annual *Vegetation Management Plan*;
- Completion of the Project remedy in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of a final inspection by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the Section 36 Existing (Sanitary) Landfills Remediation Project as complete.

Sincerely,

  
Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

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<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

July 1, 2004

Mr. Terry Anderson  
Director Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, Section 36 Existing (Sanitary) Landfills Remediation Project CCR

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, Section 36 Existing (Sanitary) Landfills Remediation Project. This report was evaluated for compliance with the objectives described in the Record of Decision, as amended by the Remediation Design and Implementation Schedule, and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

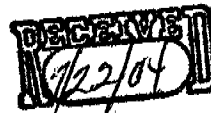
Sincerely,

Gary W. Baughman  
Director  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment

cc: Bruce Huenefeld, RMA  
Mark Thomson, Shell  
Tom Jackson, USF&WS  
Wes Erickson, RMA  
RMA File 7.6-6

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Ginny Brannon, AGO  
Barbara Nabors, HMWMD





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-F

July 21, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Hex Pit Soil Remediation Project [Redesign],  
Construction Completion Report; Rocky  
Mountain Arsenal

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for the Hex Pit Soil Remediation Project [Redesign] submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scope of Work and Final Design Package, as modified;
- Completion of the Project remedy in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of a final inspection by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the Hex Pit Soil Remediation Project [Redesign] as complete.

Sincerely,

Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



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# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

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Colorado Department  
of Public Health  
and Environment

July 13, 2004

Mr. Terry Anderson  
Director Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, Hex Pit Soil Remediation Project [Redesign] CCR

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, Hex Pit Soil Remediation Project [Redesign]. This report was evaluated for compliance with the objectives described in the Record of Decision (ROD), as amended by the Remediation Design and Implementation Schedule, the ROD amendment, and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

Sincerely,

Gary W. Baughman  
Director  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment

cc: Bruce Huenefeld, RMA  
Mark Thomson, Shell  
Tom Jackson, USF&WS  
Wes Erickson, RMA  
RMA File 7.6-14

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Ginny Brannon, AGO  
Barbara Nabors, HMWMD





DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



DAIM-BD-A-RM-RE

29 July 2004

MEMORANDUM FOR U.S. Environmental Protection Agency, (Mr. Greg Hargreaves), Region VIII, Mail Code 8HWM-FF, 999-18th Street, Suite 300, Denver, Colorado 80202-2405

SUBJECT: Request for Extension Shell Disposal Trenches – Cover, and the Complex (Army) Disposal Trenches – Cover

1. Currently the Draft Final Design (95 Percent) enforceable milestone date is 21 October 2004 for the Shell Disposal Trenches – Cover, and the Complex (Army) Disposal Trenches – Cover. In accordance with Paragraphs 26.8-26.18 and 34.22 of the Federal Facility Agreement, the Remediation Venture Office (RVO) is requesting an extension of the 95 Percent deadline to 13 December 2004, for the Shell Disposal Trenches – Cover. The request for extension is due to the following:

a. The two projects (through 30 percent design) have been a combined design effort; the two projects will now be designed separately.

b. The design effort for the two projects will also be split into two parts; part 1 will be for the sub-grade, and part 2 will be for the RCRA Equivalent Cover. This allows the design effort for the sub-grade to continue while comment resolution on the Basin F/F Exterior Soil Remediation, Part II 95 Percent Design is completed, prior to submitting the Shell Disposal Trenches – Cover Part 2 60 Percent Design.

c. The construction phase of the Shell Disposal Trenches – project has been accelerated to begin in Fiscal Year (FY) 2005 instead of the current forecast of FY 2010 (Remediation Design and Implementation Schedule (RDIS) February 2004).

2. A revised enforceable milestone date for submittal of the Draft Final Design (95 Percent) for the Complex (Army) Disposal Trenches – Cover Part 2 will be established through the FY 2005 update to the RDIS, estimated to be final in January 2005.

3. The point of contact on this matter is Mr. James Green at 303-289-0412.

*Bruce M. Huenefeld*  
BRUCE M. HUENEFELD  
RMA Committee Coordinator







DEPARTMENT OF THE ARMY  
BASE REALIGNMENT AND CLOSURE  
ROCKY MOUNTAIN ARSENAL  
7200 QUEBEC STREET, BUILDING 111  
COMMERCE CITY, CO 80022-1748



August 20, 2004

Remedy Execution

Ms. Barbara Nabors  
Colorado Department of Public  
Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Dear Ms. Nabors:

The U.S. Environmental Protection Agency (EPA) has recently requested that the Remediation Venture Office (RVO) prepare an Explanation of Significant Differences (ESD) for the Section 30 Existing Sanitary Landfill (ESL) Remediation Project. The ESD is required due to the overall project volume change from the Record of Decision estimated volume. The ESD for the ESL Remediation Project will need to be finalized before the Section 30 ESL Construction Completion Report (CCR) can be approved.

Normally, a draft CCR is submitted to the Regulatory Agencies 60 days after a final inspection, but the RVO has determined that it will be more efficient to suspend submittal of the draft CCR for the Section 30 ESL until after finalization of the ESD. The RVO requests EPA's concurrence with this strategy.

Copies of this letter were forwarded to:

- a. Major M. Weslyn Erickson, Chief Counsel, Rocky Mountain Arsenal (DAIM-BD-A-RM-CL), Commerce City, Colorado 80022-1748.
- b. Ms. Ginny Brannon, Attorney General's Office, CERCLA Litigation Unit, 1525 Sherman Street, 5th Floor, Denver, Colorado 80203.
- c. Mr. Mike Malusis, Sentinel Consulting Services, LLC, 14 Inverness Drive East, Suite G228, Englewood, Colorado 80112.
- d. Mr. Roger B. Shakely, Shell Oil Company, P.O. Box 538, Commerce City, Colorado 80037.
- e. Mr. Mark Thomson, Washington Group, P.O. Box 1717, Commerce City, Colorado 80022.

11896

f. Mr. Daniel J. Dunn, Holme Roberts and Owens, 1700 Lincoln Street, Suite 4100, Denver, Colorado 80203.

g. Mr. Tom Jackson, U.S. Fish and Wildlife Service, Rocky Mountain Arsenal, Commerce City, Colorado 80022-1748.

h. Mr. Rick Kinshella, Tri-County Department Environmental Health Division, 4201 East 72nd Avenue, Commerce City, Colorado 80222-1488.

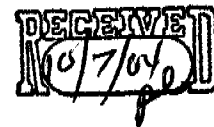
i. Rocky Mountain Arsenal, (Document Tracking Center), Commerce City, Colorado 80022-1748.

The point of contact for this action is Ms. Lorri Harper at 303-289-0411.

Sincerely,

  
Bruce M. Huenefeld  
RMA Committee Coordinator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

999 18<sup>TH</sup> STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8EPR-F

September 30, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Burial Trenches Soil Remediation Project,  
Part II, Construction Completion Report;  
Rocky Mountain Arsenal

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for the Burial Trenches Soil Remediation Project, Part II submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scope of Work and Final Design Package, as modified, including the status of revegetation efforts which is monitored as part of the annual *Vegetation Management Plan*;
- Completion of the Project remedy in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of a final inspection by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the Burial Trenches Soil Remediation Project, Part II as complete.

Sincerely,

Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



00035940 12344 - 1

RECEIVED  
10/7/04

# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

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Colorado Department  
of Public Health  
and Environment

September 28, 2004

Mr. Terry Anderson  
Director Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, Burial Trenches Soil Remediation Project Part II CCR

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, Burial Trenches Soil Remediation Project Part II. This report was evaluated for compliance with the objectives described in the Record of Decision, as amended by the Remediation Design and Implementation Schedule and the Explanation of Significant Differences, and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

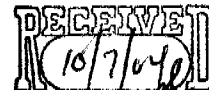
Sincerely,

Gary W. Baughman  
Director  
Hazardous Materials and Waste Management Division

cc: Bruce Huenefeld, RMA  
Mark Thomson, Shell  
Tom Jackson, USF&WS  
Wes Erickson, RMA  
RMA File 7.6-9

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Richard Lotz, AGO  
Barbara Nabors, HMWMD





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-F

September 30, 2004

Mr. Bruce Huenefeld  
Office of the Program Manager for RMA  
ATTN: AMXRM-E  
Rocky Mountain Arsenal  
Commerce City, CO 80022-2180

Re: Construction Completion Report for the North Plant  
Structure Demolition and Removal Remediation and the  
Destruction of Equipment in the GB Production and Fill  
Facilities Projects; Rocky Mountain Arsenal

Dear Mr. Huenefeld:

The Environmental Protection Agency (EPA) has completed review of the Construction Completion Report (CCR) for the North Plant Structure Demolition and Removal Remediation and the Destruction of Equipment in the GB Production and Fill Facilities Projects submitted by the Remediation Venture Office. The CCR, in compliance with OSWER Directive 9355.0-4B (Remedial Design/Remedial Action Handbook), documents the remedial action activities which have been accomplished to date, including:

- Completion of all construction items defined in the Project Scopes of Work and Final Design Packages, as modified;
- Completion of the Project remedies in accordance with the goals established in the 1996 On-Post Record of Decision;
- The conduct of final inspections by the Colorado Department of Public Health and Environment (CDPHE) and EPA;
- CDPHE concurrence with the CCR via enclosed letter.

Accordingly, EPA approves the CCR as submitted and accepts the North Plant Structure Demolition and Removal Remediation and the Destruction of Equipment in the GB Production and Fill Facilities Projects as complete.

Sincerely,

Terry Anderson, Director  
Federal Facilities Office

Enclosure: CDPHE Concurrence Letter



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10/7/04

# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

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Colorado Department  
of Public Health  
and Environment

September 29, 2004

Mr. Terry Anderson  
Director, Federal Facilities Office  
Office of Ecosystems Protection and Remediation  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2405

Re: Rocky Mountain Arsenal, North Plant Structure Demolition and Removal Remediation Project and Destruction of Equipment in the GB Production and Fill Facilities Project Construction Completion Report

Dear Mr. Anderson:

My staff has reviewed the Construction Completion Report for the Rocky Mountain Arsenal, North Plant Structure Demolition and Removal Remediation Project and Destruction of Equipment in the GB Production and Fill Facilities Project. This report was evaluated for compliance with the objectives described in the Record of Decision, as amended by the Remediation Design and Implementation Schedule, the Explanation of Significant Differences document and the final design specifications and drawings for the project. Based upon this evaluation and our observations while the work was being performed, I am pleased to inform you of the State's concurrence with the referenced Construction Completion Report.

Sincerely,

Gary W. Baughman

Director

Hazardous Materials and Waste Management Division

Cc: Bruce Huenefeld, PMRMA  
Mark Thomson, Washington Group  
Tom Jackson, USFWS  
RMA File 7.6-24

Greg Hargreaves, EPA  
Rick Kinshella, TCHD  
Richard Lotz, AGO  
Barbara Nabors, HMWMD

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